

SAMPLE DIALOGUE: DISPOSITIONAL HEARING

COURT: The State of Indiana appears by _____, Deputy/Prosecuting Attorney). The juvenile, _____, appears in person (and by Counsel _____). The parent(s) (guardian) (custodian) appears in person. Also, (Intake Officer) _____, appears.

COURT: The delinquency petition comes on for a Dispositional Hearing.

COURT: This is Juvenile Case No. _____ entitled "In the Matter of _____, a juvenile alleged to be a delinquent child."

COURT: We are here today pursuant to a finding of delinquency by this court on the ____ day of _____, 20__.

COURT: The purpose of a dispositional hearing is to consider: 1) alternatives of the care, treatment or rehabilitation for the juvenile; 2) the necessity, nature and extent of the participation by a parent, guardian or custodian in a program of care, treatment or rehabilitation for the juvenile; 3) the financial responsibility of the parent or guardian or the estate for any services provided for himself or the juvenile, and 4) services ordered for the parents pursuant to the Petition for Parental Participation.

COURT: The Juvenile Probation Department having filed with the court its predispositional report, and the court having considered said report, the same is now admitted into evidence.

Court: Does the report include a recommendation for a program, placement or services that would be paid for by DCS? If so, has the DCS report been submitted as an attachment to the PDR prepared by the Probation Officer? Has DCS concurred with the plan proposed in the PDR? *(If no concurrence by DCS the Court must review the report of DCS to make appropriate findings)*

A:

COURT: Have you and your parents had an opportunity to read and examine the predispositional report and to go over the report with your attorney?

A:

COURT: Do any of the parties have any statements to make concerning this report or any additions or corrections to be made to the report?

A:

COURT: Does the prosecuting attorney have any recommendation or any information which he would like to offer prior to disposition?

A:

COURT: Do you have any evidence you wish to present that is relevant to your disposition?

A:

COURT: Does the attorney for the juvenile, the juvenile, or parents have anything to say prior to disposition?

A:

COURT: (If applicable) A petition for parental participation has been filed. Parents, have you received a copy? Do you wish to dispute any portion of the plan?

COURT: (To Child and Parents) Are you able to pay Court Cost, Probation fees, Restitution? (Follow up with appropriate questions; obtain child support worksheets from each parent)

COURT: (If appropriate) The local coordinating committee having filed its recommendation with the court, and the court having considered such recommendation, it is now admitted into evidence.

(If applicable, give Written Warning of Consequences For Violation Of Placement Order By Runaway or Truant at this time.)

NOTE: From this point on, several alternatives are available and the dispositional hearing procedure will vary accordingly. The following forms should be modified to reflect the appropriate dispositional alternative.

COURT: Now that disposition has been pronounced, there are several other matters which you should be aware of.

First, the terms of the disposition may be modified at any time on the court's own motion, motion of the prosecuting attorney, probation officer/caseworker, you or your parent, guardian or custodian.

Second, you have a right to appeal your disposition and adjudication as provided by law. Do you understand all of these matters?

A:

This case is set for a review hearing on: _____ (this date must be no later than 6 months after date of dispositional decree.)

This case is set for a permanency hearing on: _____.
_____ (this date must be no later than 12 months after date of removal).